

**STATEMENT OF THE FREEDOM OF INFORMATION COMMISSION ON
RAISED BILL NO. 6424, AN ACT CONCERNING FEES FOR SEARCHES
OF ACCIDENT AND INVESTIGATIVE REPORTS OF THE DEPARTMENT OF
EMERGENCY SERVICES AND PUBLIC PROTECTION**

February 28, 2013

The Freedom of Information Commission opposes Raised Bill No. 6424 requiring a person who requests to inspect an accident or investigative report of the Department of Emergency Services and Public Protection (DESPP), but who does not obtain a copy thereof, to pay a search fee.

Specifically, the bill seeks to amend Conn. Gen. Stat. §29-10b, to permit the Commissioner of DESPP to impose a sixteen dollar fee on a member of the public seeking to review an accident or investigative report in the possession of the agency.

Currently, §29-10b, G.S., contemplates the assessment of such a fee by the DESPP only when a member of the public requests a copy of a record. The FOI Commission recently determined that imposing such a "search" fee is inconsistent with the plain language of §29-10b, G.S., as well as with the general policy of the FOI Act that access to inspect public records is free. On appeal, the superior court affirmed the Commission's determination with regard to §29-10b, G.S.¹

Allowing for free access to inspect public records, as opposed to free copies, is an important measure to ensure that individuals who may not be able to afford copies can still have access to government records.

Permitting an agency to charge a significant fee for each individual search will discourage requests for information. The concept of open and accessible government would be trampled, as many individuals would be unwilling or unable to pay search fees. The result would be access denied and an uninformed populace. This, we believe, runs against the longstanding principle, codified in the FOI Act, that the public has the right to freely access public records.

For the above stated reasons, we strongly urge the legislature to reject Raised Bill No. 6424.

For further information contact: Colleen M. Murphy, Executive Director and General Counsel or Mary Schwind, Managing Director and Associate General Counsel at (860) 566-5682.

¹ See Connecticut Department of Emergency Services & Public Protection v. Freedom of Information Commission et al., Docket No. CV116012370S, 2012 Conn. Super. LEXIS 2072 (Conn. Super. Ct. Aug. 10, 2012).